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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the patent application of:

Dwayne LACEY

Serial Number: 09/335,714

Filed: June 18, 1999

For: HEAD MASSAGING DEVICE



Group Art Unit: 3764

Examiner: Yu, J.

RECEIVED
AUG 25 2001
TC 3700 MAIL ROOM

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR 1.97(c)

Assistant Commissioner for Patents
Washington, D.C. 20231

August 21, 2000

Sir:

The information listed on the attached form PTO-1449 may be relevant to the above-identified application.

A copy of the item of information is attached hereto.

Australian Design Registration No. 134633, filed January 12, 1998 by the present applicant and registered August 12, 1998, discloses only the ornamental features shown, and provides no disclosure of utilitarian features, e.g., fingers which are resilient and/or pliable such that if the device were lowered onto a head so that the head enters a head receiving space through the opening defined by the ends of the fingers, the free ends of the fingers apply pressure to and massage the head, as recited in the present claims. The applicant deems that it is for similar reasons that the Examiner correctly did not apply any of the cited design patents against the present claims.

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A check in the amount of Three Hundred Ten Dollars (\$310.00) is attached which includes One Hundred Twenty Dollars (\$120.00) for the fee (small entity) set forth in 37 C.F.R. 1.17(p).

Should any additional fees be due with respect to this paper, the Commissioner is hereby authorized to charge such fees to Counsel's Deposit Account No. 50-1446.

Respectfully submitted,



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Atty. Docket No. 4007-8007

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